

REMARKS

Applicants wish to thank Examiner Reza for the courtesy of a personal interview granted to the applicants' undersigned representative on March 20, 2008. During the interview, the rejections under 35 U.S.C. § 101 were discussed and applicants' representative pointed out that the rejected claims were dependent claims and that the independent claims from which these claims depended were not rejected under 35 U.S.C. § 101. Examiner Reza agreed to withdraw the 35 U.S.C. § 101 rejections. Also discussed were the rejections under 35 U.S.C. § 112, and it was agreed that changing the currently pending claims from "control block" to "control message" would clarify the claims and therefore overcome the rejection. Finally, the rejection over Bantz was discussed, and applicants' representative explained that the keys in the Bantz reference are not stored in a list but rather received wirelessly via a "key fob." The examiner indicated that he believed that additional prior art might be found and that a further search would be necessary.

Claims 1-18 are pending in the application. In light of the foregoing, the currently pending claims have been amended to recite "control message." Support for the amendments can be found in several places in the specification, including page 10, lines 8-23 and page 11, lines 1-5. Entry of the amendments is respectfully requested.

Claim Objection

Claim 3 has been amended to place it in proper multiple dependent form. Withdrawal of the objection is respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 1-18 stand rejected under 35 U.S.C. § 112 for lack of enablement. Claims 1-5, 13, 15, and 17-18 have been amended to recite “control message” rather than “control block” to clarify the claims and conform them to the specification. No change in scope is intended. Withdrawal of the rejection in light of the amendment is respectfully requested.

Rejections Under 35 U.S.C. § 101

Claims 9 and 10 stand rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Applicants believe the rejection has been withdrawn for the reasons discussed above.

Rejections Under 35 U.S.C. § 103

Claims 1-18 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Sutton and Bantz. This rejection is respectfully traversed. Claim 1 requires the step of “repeating steps a-g for a subsequent patch data and encrypted control block *using a subsequent public key selected by the apparatus from the list of public keys stored in the non-volatile memory*, the subsequent public key being different from the current public key deactivated in step (g)” (emphasis added). Claim 15 includes a similar limitation. This step is neither taught nor suggested by Sutton or Bantz. The office action acknowledges at page 8 that this limitation is not disclosed in Sutton and relies on Bantz for this disclosure. However, in Bantz’s system, new keys are not obtained from a stored list of keys as recited in claims 1 and 15 but rather are received at the hearing device 14 (the processor 20 and the receiver 22) from the key fob 16 via wireless communication, one at a time, after the current key has been deleted. Bantz at col. 3,

lines 30-37. Accordingly, the aforementioned step is not disclosed in either Bantz or Sutton and withdrawal of the rejections of claims 1 and 15 is respectfully requested for this reason. All other currently pending claims depend from claim 1 or 15 and therefore define patentable subject matter for the same reason. Withdrawal of the rejection for these claims is respectfully requested as well.

In light of the above, Applicants submit that this application is now in condition for allowance and therefore request favorable consideration. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants' counsel, James M. Heintz at 202.799.4171.

Respectfully submitted,

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